

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of Ohio)
Edison Company, The Cleveland Electric)
Illuminating Company, and The Toledo)
Edison Company for Authority to Establish) Case No. 08-935-EL-SSO
a Standard Service Offer Pursuant to)
Section 4928.143, Revised Code, in the)
Form of an Electric Security Plan.)

ENTRY

The attorney examiner finds:

- (1) On July 31, 2008, Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company (the Companies) filed an application for a standard service offer pursuant to Section 4928.141, Revised Code. The application was for an electric security plan (ESP) in accordance with Section 4928.143, Revised Code. On December 19, 2008, the Commission issued an opinion and order that approved the Companies' proposed ESP with certain modifications.
- (2) On December 22, 2008, the Companies filed a notice that they were exercising their right pursuant to Section 4928.143(C)(2)(a), Revised Code, to withdraw and thereby terminate their application for an ESP. Also on December 22, 2008, the Companies filed proposed tariff sheets. In the latter filing, the Companies stated that, pursuant to Section 4928.141(A), Revised Code, "the Companies' rate plan shall remain in effect on January 1, 2009 and thereafter until a standard service offer is first authorized pursuant to R.C. 4928.142 or 4928.143." The Companies further stated that the vast majority of their tariff sheets will continue into 2009 in their current form. Because some tariff sheets have a termination date of December 31, 2008, absent the provisions of SB 221, the Companies included in their filing several proposed revised tariff sheets that indicate that those tariff sheets shall remain in effect until otherwise revised or terminated.
- (3) Section 4928.143(C)(2)(b), Revised Code, provides that:

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If the utility terminates an application pursuant to division (C)(2)(a) of this section or if the commission disapproves an application under division (C)(1) of this section, the commission shall issue such order as is necessary to continue the provisions, terms, and conditions of the utility's most recent standard service offer, along with any expected increases or decreases in fuel costs from those contained in that offer, until a subsequent offer is authorized pursuant to this section or section 4928.142 of the Revised Code, respectively.

- (4) Any party may have until noon on January 5, 2009, to file comments on the Companies' proposed tariff filing. Any party filing comments shall serve a copy of its comments via email upon the Companies. The Companies may have until noon on Tuesday, January 6, 2009, to file reply comments.

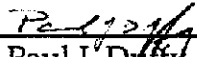
It is, therefore,

ORDERED, That any party may have until noon on January 5, 2009, to file comments on the Companies' proposed tariff filing. Any party filing comments shall serve a copy of its comments via email upon the Companies. It is, further,

ORDERED, That the Companies may have until noon on Tuesday, January 6, 2009, to file reply comments. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Paul J. Duffy
Attorney Examiner

/vrm

Entered in the Journal

DEC 26 2008



Renee J. Jenkins
Secretary